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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,421	09/26/2003	Todd A. Coble	905P178	8438
44564	7590	12/20/2005	EXAMINER	
BOND, SCHOENECK & KING, PLLC 10 BROWN ROAD, SUITE 201 ITHACA, NY 14850-1248			CHAN, KO HUNG	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,421	<b>Applicant(s)</b> COBLE ET AL	
	<b>Examiner</b> Korie H. Chan	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 12, 14 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 10, 13 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

Claims 1-5, 7-9, and 19-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rugg (US patent no. 2,380,793) in view of Bell et al (US patent no. 6,545,216). Rugg discloses a ceiling fixture support assembly for mounting electrical fixtures comprising electrical box (2) including a base member (4 and 7) of disk shaped (4) with parallel beveled edges (3) with side member (2, figure 2), wherein the base member (4 and 7 together constitute the base member) has slots (10) for receiving a U-shaped mounting assembly (8) having a rectangular flat support member (13, figure 3), plural tabs (14) insert into slots. However, Rugg does not show the claimed first and second support fixture assembly.

Bell teaches a ceiling fixture support assembly for mounting electrical fixtures such as fan and lighting fixtures (col. 1, lines 20-22) comprising electrical box (18) including a base member of disk shaped (16) with parallel beveled edges (where 70 and 40 are mounted) with side member (18), first and second fixture support (40 and 70) having a shaft (52) inserted into the flat portion of the side member and with connector holes (44, 48), and mounting assembly (fasteners not shown but to be used through holes (26, 28) to couple the electrical box to the structural support member.

It would have been obvious to one of ordinary skill in the art to have provided Rugg's fixture support assembly with Bell's first and second fixture support for supporting ceiling and lighting fixtures as taught to be desirable by Bell. Regarding claim 2, Rugg's electrical box is inherently capable of receiving a cover.

Claims 12 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rugg (US patent no. 2,380,793) in view of Bell et al (US patent no. 6,545,216) as applied to claims 1, 6, 8, 11 above, and further in view of Reiker (US patent no. 6,207,897). Rugg and Bell combined disclosed all the claimed features of applicant's invention except for being mounted to a joist and using plural connectors to connect the flat member to the base member. Reiker teaches an electrical box ceiling fixture with U-shaped mounting assembly having tabs (521, 522) for mounting to a joist (J) wherein the flat member of the U-shaped is mounted to the base member via plural connectors (554). It would have been obvious to one of ordinary skill in the art to have mounted the ceiling fixture of Rugg and Bell to a ceiling joist via the U-shaped mounting assembly and to mount the flat member using plurality of connectors for a more secure fit as taught to be desirable by Reiker.

#### ***Allowable Subject Matter***

Claims 10, 13, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed 9/26/2005 have been fully considered but they are not persuasive. As discussed above, the base member of Rugg comprises of member 4 and 7 together which meets applicant's limitation of the base member having slots and the tabs (14) of Rugg are inserted through the slots of the base member to form a channel. In response to applicant's argument that there is no suggestion to combine

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the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all of the references deals with electrical boxes. The suggestion or motivation to place fixtures support assembly for the purpose of support the items such as fan is disclosed in Bell. The suggestion or motivation to attach to a joist is clearly disclosed in Reiker.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

This application contains claims 16-18 drawn to an invention nonelected with traverse in the applicant's response filed March 28, 2005. A complete reply to the final


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rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01. Note that amended claim 1 is no longer generic. The dependency of withdrawn claims 16-18 on amended claim 1 now result in non-enablement of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
December 8, 2005